

APR 10 2009

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of)	Examiner: Rene T. Towa
Burbank et al.)	Group Art Unit: 3736
For: BREAST BIOPSY SYSTEM AND)	Customer No.: 061808
METHODS)	
Serial No.: 10/790,416)	
Filed: March 1, 2004)	
Docket No.: SENOP-00106)	

CERTIFICATE OF TRANSMISSION PURSUANT TO 37 CFR § 1.8

I hereby certify that this correspondence is being transmitted by facsimile (571) 273-8300 and addressed to Attn: Examiner Rena T. Towa, Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on April 10, 2009 in San Francisco, CA.

By: 

Ruth De

TERMINAL DISCLAIMER BY ATTORNEY

Mail Stop Amendment
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Edward J. Lynch, am an attorney representing the Assignee, SenoRx, Inc. The assignee is the registered owner of all right, title and interest in and to the above-identified application. The assignment is recorded in Reel No. 011067, Frame 0259.

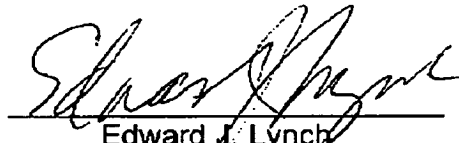
The terminal portion of any patent which is granted on the above-identified application which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 7,322,938 is hereby disclaimed on behalf of the Assignee, SenoRx, Inc.

It is hereby agreed that any patent granted on the above-identified application shall be enforceable only for and during such period that the legal title to any patent

granted on the above-identified application shall be the same as the legal title to U.S. Patent No. 7,322,938. This agreement shall run with any patent granted on the above-identified application and shall be binding upon the grantor, its successors or assigns.

No disclaimer is hereby made on any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of U.S. Patent No. 7,322,938 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(c), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Dated: April 16, 2009


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